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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

ANA LILIA GARIBAY FIGUEROA, )

Plaintiff, )

vs. )

KILOLO KIJAKAZI, Acting )  
Commissioner of Social Security, )

Defendant. )

Case No. 1:22-cv-00337-JLT-BAK  
STIPULATION AND ORDER FOR  
EXTENSION OF TIME

IT IS HEREBY STIPULATED, by and between the parties through their respective counsel of record, with the Court's approval, that Plaintiff shall have a 60-day extension of time, from September 19, 2022 to November 18, 2022, for Plaintiff to serve on defendant with Plaintiff's Motion for Summary Judgment. All other dates in the Court's Scheduling Order shall be extended accordingly.

This is Plaintiff's second request for an extension of time. In the months of May through July 21, 2022, Counsel received an influx of Social Security Certified Administrative Records (CAR). A review of the records received shows Counsel

1 has received at least 50 CARs, the majority of which were filed in June 2022.  
2 This has caused an unusually large number of cases that have merit briefs due in  
3 the months of August and September. For the weeks of September 12, 2022 and  
4 September 19, 2022, Counsel currently has 10 merit briefs, and several letter briefs  
5 and reply briefs. Additional time is needed to thoroughly brief this matter for the  
6 Court.

7 Also, as previously reported, Counsel for Plaintiff underwent major  
8 orthopedic surgery in March 2022, requiring significant physical therapy. This has  
9 required Plaintiff's counsel to take time off during the work week and work  
10 months since then. Although much improved, Counsel still participates in regular  
11 physical therapy two to three times per week. Lastly, Counsel for Plaintiff and his  
12 husband are expecting their fourth child through surrogacy and time off or a  
13 reduction in workhours during the last week of October 2022 is expected.

14 Defendant does not oppose the requested extension. Counsel apologizes to  
15 the Defendant and Court for any inconvenience this may cause.

16  
17 Respectfully submitted,

18 Dated: September 7, 2022 PENA & BROMBERG, ATTORNEYS AT LAW  
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20 By: /s/ Jonathan Omar Pena  
21 JONATHAN OMAR PENA  
22 Attorneys for Plaintiff  
23

24 Dated: September 7, 2022 PHILLIP A. TALBERT  
25 United States Attorney  
26 PETER K. THOMPSON  
27 Acting Regional Chief Counsel, Region IX  
28 Social Security Administration

1 By: \*/s/ Mary Tsai  
2 Mary Tsai  
3 Special Assistant United States Attorney  
4 Attorneys for Defendant  
5 (\*As authorized by email on September 7, 2022)  
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**ORDER**

Based upon the stipulation of the parties, and for cause shown, IT IS HEREBY ORDERED, that Plaintiff shall have an extension of time, to and include November 18, 2022, in which to file Plaintiff's Motion for Summary Judgment; and that all other deadlines set forth in the Court's Amended Scheduling Order (Doc. 9) shall be extended accordingly. IT IS SO ORDERED.

IT IS SO ORDERED.

Dated: September 9, 2022

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE